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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,998	02/06/2004	James R. Hernandez	51916/RVW/S813	8404
23363	7590	11/07/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			GALL, LLOYD A	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

3676

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,998

Applicant(s)

HERNANDEZ ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/06/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election without traverse of invention I, claims 1-24, and the species of figs. 1-12C, in the reply filed on August 22, 2005 is acknowledged.

Claim 25 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 22, 2005.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description must provide support for the "shoulder" of the bolt guide (claims 12 and 22) and the opening of the housing assembly (claims 15 and 24).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 14, 16-20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by LaConte et al.

LaConte teaches a lock assembly including a deadbolt assembly 26, 26 having a deadbolt 54 movable between locked and unlocked positions, a first rotatable lock actuating means 14 removably connected at slot 74 to the deadbolt, a second rotatable

Art Unit: 3676

lock actuating means including a first handle 58 cooperable with the slot 74 of the cam 30, 28, the slot 74 defined by protrusions on the sides of the slot 74 of the first lock actuating means, and the second lock actuating means including an arm 57 cooperable with the slot 74 of the cam, and an override handle 60 having a notch 68 cooperable with a protrusion 66 on the cover plate 64, 66 to laterally move the second lock actuating means handle 58 laterally away from the cover plate and to disengage the arm 57 from the slot 74 to define a lockout position to disable the first lock actuating means 14.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaConte et al in view of Takimoto or Saino.

Takimoto teaches a deadbolt 4 biased to an unlocked position by a spring 6 cooperable between shoulders (the left side of the housing 3) and a shoulder 5 on the bolt. Saino teaches a deadbolt 29 biased to an unlocked position by a spring 41 cooperable with shoulders 45 and 35 on the housing and bolt. It would have been obvious to modify the deadbolt and its housing of LaConte such that the deadbolt is biased to its unlocked position by a spring and shoulders, in view of the teaching of Takimoto or Saino, the motivation being to prevent inadvertent locking of a door in an emergency.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaConte et al in view of Saino as applied to claim 11 above, and further in view of Russo.

The shoulder 45 of Saino is in the form of a ring in the housing 51. Russo teaches a snap ring 99 used with a groove 96 of a bolt housing. It would have been obvious to substitute a snap ring for the ring 45 of Saino for use with the lock of LaConte, in view of the teaching of Russo, the motivation being to simplify assembly of the ring in the housing.

Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaConte et al in view of Russell et al (233).

Russell teaches a housing 10 for a lock having a nut 28 cooperable adjacent a snap ring 32 for use with an opening 26 and groove 43, 44 of the housing. It would have been obvious to modify the lock 14 of the first actuating means 14 of LaConte to include a lock cylinder cooperable with an opening and groove of the housing, and a nut and snap ring, in view of the teaching of Russell et al, the motivation being to simplify assembly of the first actuating means 14, 16 of LaConte, and to transfer force applied to the first actuating means to the housing 16, to prevent tampering with the lock assembly.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

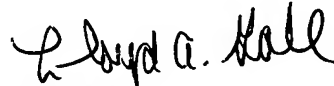
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
November 2, 2005


Lloyd A. Gall
Primary Examiner